

Exhibit F

CAUSE NO. C-2917-16-B

JORGE GARCIA, Individually and on behalf of the Estate of ABRAHAM GARCIA, deceased, LUIS ROGELIO PUENTE MARTELL, Individually and on behalf of the Estate of LUIS ROGELIO PUENTE VILLELA, deceased, OLIVIA MIRIAM VILLELA ORTIZ, Individually, and DANIELLA BARAJAS Individually and on behalf of the Estate of AURELIANO BARAJAS, ANTONIO BARAJAS, Individually
Plaintiffs,

JEANETTA IZELA GARCIA FASSION, INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE ESTATE OF AURELIANO BARAJAS, DECEASED, AND AS NEXT FRIEND OF AURELIANO BARAJAS GARCIA, A MINOR, INDIVIDUALLY, AND ANDRES BARAJAS GARCIA, A MINOR, INDIVIDUALLY,
Intervenors,

v.

LYCOMING ENGINES, A DIVISION OF AVCO COPORATION, AND AVCO CORPORATION; TEXTRON AVIATION, INC., CESSNA AIRCRAFT COMPANY; MCCREERY AVIATION COMPANY INC.; AVIATION MANUFACTURING COMPANY, INC. AND INTERSTATE SOUTHWEST LTD.
Defendants.

IN THE DISTRICT COURT

OF HIDALGO COUNTY, TEXAS

93RD JUDICIAL DISTRICT

**PLAINTIFF'S FIRST AMENDED PETITION IN INTERPLEADER
REQUEST FOR DECLARATORY JUDGMENT**

COMES NOW, Jason C. Webster, P.C. d/b/a Webster Vicknair MacLeod, hereinafter also called Interpleading Plaintiff, and file its Petition in Interpleader and Request for Declaratory

Judgment, complaining of The Garcia Law Group PLLC and Brook-Hollow Capital LLC, and for cause of action would show unto the Court the following:

**I.
JURISDICTION AND VENUE**

1.1 This interpleader action arises from a dispute between rival interests seeking attorney's fees earned in the above styled and numbered cause.

1.2 This Court has jurisdiction over the subject matter and the parties.

1.3 Venue is proper in Hidalgo County as the attorney's fees in dispute were earned through the confidential settlement of the above styled and numbered cause which is still pending in the 93rd District Court of Hidalgo County.

**II.
PARTIES AND SERVICE**

2.1 Plaintiffs and Intervenors in the above referenced matter are all residents of Mexico who filed wrongful death and survival claims as Plaintiffs and Intervenors in the 93rd Judicial District Court of Hidalgo County. The Webster Law Firm was their counsel.

2.2 Interpleading Plaintiff, Jason C. Webster, P.C. d/b/a Webster Vicknair MacLeod, (WVM) is a Texas based law firm with its principal office located in Houston, Harris County, Texas. WVM represented Plaintiffs and Intervenors and settled all the Plaintiffs' and Intervenors' claims in this case. Settlement funds, including attorneys' fees earned, were deposited in the WVM's IOLTA account.

2.2 Defendant in Interpleader, The Garcia Law Group PLLC (GLG), is a law firm with its primary office in McAllen, Hidalgo County, Texas. GLG has already entered an appearance in this case for all purposes.

2.3 Defendant in Interpleader, Brook-Hollow Capital LLC (BHC), is a foreign Limited

Liability Company which conducts substantial business in the State of Texas but is not registered to do business in the State of Texas. Therefore, Brook-Hollow Capital LLC may be served by serving the Secretary of the State of Texas with forwarding of this Petition in Interpleader to Tate Johnson, President and Chief Operating Officer, 161 N. Clark, Suite 2925, Chicago, Illinois. Alternatively, BHC may be served through its registered agent Jason Workman, 415 S. Florida Blanca, Pensacola, FL 32502.

III. **FACTS**

- 3.1 WVM represented Plaintiffs and Intervenor in the above styled and referenced matter.
- 3.2 In November 2023, the case settled for a confidential sum during trial.
- 3.3 Defendants and their insurers have paid all settlement funds, including attorney's fees, to WVM and WVM deposited all settlement funds into its IOLTA account.
- 3.4 All minor settlement hearings have now been completed and money due to clients has been paid. In addition, fees that are not in dispute have been distributed.
- 3.5 MLG and WVM entered into a Power of Attorney agreement with Plaintiffs and Intervenor.
- 3.6 According to the Power of Attorney, attorneys' fees earned in the case were split between MLG and WVM.
- 3.7 A dispute has arisen over attorneys' fees allegedly earned by MLG which are still in WVM's IOLTA account.
- 3.8 MLG demanded WVM pay it the attorney's fees it earned in accordance with the terms of the Power of Attorney.
- 3.9 BHC claims to have a lien interest in the attorneys' fees earned by MLG and has demanded WVM pay BHC the attorneys' fees allegedly earned by MLG.

3.10 WVM asserts that it is entitled to the attorneys' fees allegedly earned by MLG because of MLG's breach of the agreement between MLG and WVM. In addition, WVM asserts that its interest in the funds is superior to BHC's claim. As a result, WVM claims that it is entitled to the money held in WVM's IOLTA account.

**VII.
INTERPLEADER and DECLARATORY JUDGMENT**

4.1 Pursuant to Rule 43 of the Texas Rules of Civil Procedure, WVM has multiple competing claims to the funds held in its IOLTA account. WVM requests that the Court declare that it is entitled to the funds and that the claims of MLG and BHC are inferior to WVM's interest.

4.2 Pursuant to 1.14(c) of the Texas Disciplinary Rules of Professional Conduct and the confidentiality agreements entered into by Plaintiffs, Intervenors and Defendants, WVM will not disclose the amount of disputed funds in this petition and will retain the attorney fees in its IOLTA account pending further orders of this Court.

4.3 WVM seeks its reasonable attorney's fees and costs of court incurred because of having to file this Interpleader action.

WHEREFORE, premises considered, Jason C. Webster P.C. d/b/a Webster Vicknair MacLeod, Interpleading Plaintiff herein pray that the Court enter judgment declaring the rights and obligations of the parties, attorneys' fees and costs of court, and for all other relief that the court deems just and equitable.

Respectfully submitted,

/s/ Steven E. Aldous

Steven E. Aldous

State Bar No. 00982100

Aldous, PC

500 Crescent Court

Suite 240

Dallas, Texas 75201

Telephone: (214) 738-9037

saldous@aldous-pc.com

Attorney for Interpleader/Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon all counsel of record in accordance with the T.R.C.P., on this the 6th day of December 2024.

/s/ Jason C. Webster

Jason C. Webster

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Steven Aldous on behalf of Steven Aldous

Bar No. 982100

saldous@aldous-pc.com

Envelope ID: 95028482

Filing Code Description: Amended Filing

Filing Description: First Amended Petition in Interpleader

Status as of 12/6/2024 2:59 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Stuart BradBrown		bbrown@jw.com	12/6/2024 11:47:54 AM	SENT
Shiree D. Salinas		ssalinas@ssalinaslaw.com	12/6/2024 11:47:54 AM	SENT
Shiree DSalinas		ssalinas@ssalinaslaw.com	12/6/2024 11:47:54 AM	SENT
Jason C. Webster		filing@thewebsterlawfirm.com	12/6/2024 11:47:54 AM	SENT
Christina Crozier		christina.crozier@haynesboone.com	12/6/2024 11:47:54 AM	SENT
Marie Horne		mhorne@mcglinchey.com	12/6/2024 11:47:54 AM	SENT
Kent Rutter		kent.rutter@haynesboone.com	12/6/2024 11:47:54 AM	SENT
Geffrey W.Anderson		ganderson@andersonriddle.com	12/6/2024 11:47:54 AM	SENT
Elizabeth Thomas		ethomas@andersonriddle.com	12/6/2024 11:47:54 AM	SENT
ARTURO JGONZALEZ		agonzalez.law@gmail.com	12/6/2024 11:47:54 AM	SENT
Jason Webster		filing@thewebsterlawfirm.com	12/6/2024 11:47:54 AM	SENT
RICARDO A.GARCIA		ric@gomlaw.com	12/6/2024 11:47:54 AM	SENT
Jodi Jesser		jjesser@cunninghamswaim.com	12/6/2024 11:47:54 AM	SENT
Charles H.Smith		chsmith@canteyhanger.com	12/6/2024 11:47:54 AM	SENT
Stephen C.Howell		showell@brownproctor.com	12/6/2024 11:47:54 AM	SENT
Andrea Palmer	24085929	andrea.palmer@ttiinc.com	12/6/2024 11:47:54 AM	SENT
Lino Ochoa	797168	service@linoslaw.com	12/6/2024 11:47:54 AM	SENT
John Colpoys	4626550	mcolpoys@canteyhanger.com	12/6/2024 11:47:54 AM	SENT
GIL PERALEZ		gpp@peralezfranzlaw.com	12/6/2024 11:47:54 AM	SENT
RUSSELL SERAFIN		rserafin@thewebsterlawfirm.com	12/6/2024 11:47:54 AM	SENT
Fernando G.Mancias		mancias@fernandomanciaslaw.com	12/6/2024 11:47:54 AM	SENT
MIKE MILLS		mkmills@atlashall.com	12/6/2024 11:47:54 AM	SENT
BRANDY ALEXANDER		balexander@andersonriddle.com	12/6/2024 11:47:54 AM	SENT
TRENT APPLEBY		tappleby@andersonriddle.com	12/6/2024 11:47:54 AM	SENT
I. CeciliaGarza		service@gomlaw.com	12/6/2024 11:47:54 AM	SENT
Jared Melton		jared@olvo.net	12/6/2024 11:47:54 AM	SENT
HEIDI O.VICKNAIR		hvicknair@thewebsterlawfirm.com	12/6/2024 11:47:54 AM	SENT
STEPHEN C.COWELL		showell@browndean.com	12/6/2024 11:47:54 AM	SENT

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Case Contacts

STEPHEN C.COWELL		showell@browndean.com	12/6/2024 11:47:54 AM	SENT
ARTURO GONZALEZ		AGONZALEZLAW@GMAIL.COM	12/6/2024 11:47:54 AM	SENT
CONNIE CASHION		CCASHION@CANTEYHANGER.COM	12/6/2024 11:47:54 AM	SENT
DEBBIE HUMPHRIES		DHUMPHRIES@BROWNDEAN.COM	12/6/2024 11:47:54 AM	SENT
NATHAN WINKLER		NWINKLER@BROWNPROCTOR.COM	12/6/2024 11:47:54 AM	SENT
Gil Peralez		service@peralezfranzlaw.com	12/6/2024 11:47:54 AM	SENT
Francis HBrown III		fbrown@mcglinchey.com	12/6/2024 11:47:54 AM	SENT
Mindy Clark		mindy@ajg-law.com	12/6/2024 11:47:54 AM	SENT
M. ROSSCUNNINGHAM		RCUNNINGHAM@CUNNINGHAMSWAIM.COM	12/6/2024 11:47:54 AM	SENT
Debbie Humphries		DHumphries@brownproctor.com	12/6/2024 11:47:54 AM	SENT
Pamela Carr		PCarr@brownproctor.com	12/6/2024 11:47:54 AM	SENT
Cory Hernandez		Ahernandez@ssalinaslaw.com	12/6/2024 11:47:54 AM	SENT
Chris Franz		ccf@peralezfranzlaw.com	12/6/2024 11:47:54 AM	SENT
Mary LouDoeppenschmidt		marylou@gomlaw.com	12/6/2024 11:47:54 AM	SENT
STEPHEN C.HOWELL		SHOWELL@BROWNPROCTOR.COM	12/6/2024 11:47:54 AM	SENT
CAILIN RINGLEMAN		CRINGELMAN@BROWNPROCTOR.COM	12/6/2024 11:47:54 AM	SENT
NAN CI MCCASLAND		NMCCASLAND@CANTEYHANGER.COM	12/6/2024 11:47:54 AM	SENT
Susan Sullivan		ssullivan@atlashall.com	12/6/2024 11:47:54 AM	SENT
Lisa Smith		lsmith@canteyhanger.com	12/6/2024 11:47:54 AM	SENT
Martina Baker		mbaker@canteyhanger.com	12/6/2024 11:47:54 AM	SENT
LINO OCHOA		LINO@GOMLAW.COM	12/6/2024 11:47:54 AM	SENT
KAY GREEN		KGREEN@BROWNPROCTOR.COM	12/6/2024 11:47:54 AM	SENT
GEFFREY ANDERON		GANDERSON@ANDERSONRIDDLE.COM	12/6/2024 11:47:54 AM	SENT
BRIAN LECOMPTE		BLECOMPTE@MCGLINCHEY.COM	12/6/2024 11:47:54 AM	SENT
STEPHEN CHOWELL		SHOWELL@BROWNDEAN.COM	12/6/2024 11:47:54 AM	SENT
CAILIN M.RINGELMAN		CRINGELMAN@BROWNDEAN.COM	12/6/2024 11:47:54 AM	SENT
KENT RUTTER		KEN.RUTTER@HAYNESBOONE.COM	12/6/2024 11:47:54 AM	SENT
NATASHA BREAUX		NATASHA.BREAUX@HAYNESBOONE.COM	12/6/2024 11:47:54 AM	SENT
DEBBIE SCARBOROUGH		DSCARBOROUGH@CUNNINGHAMSWAIM.COM	12/6/2024 11:47:54 AM	SENT

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Case Contacts

DEBBIE SCARBOROUGH		DSCARBOROUGH@CUNNINGHAMSWAIM.COM	12/6/2024 11:47:54 AM	SENT
D TODDPARRISH		TPARRISH@CUNNINGHAMSWAIM.COM	12/6/2024 11:47:54 AM	SENT
GIL PERALEZ		SERVICE@PERALEZFRANZLAW.COM	12/6/2024 11:47:54 AM	SENT
CHARLES H.SMITH		chsmith@canteyhanger.com	12/6/2024 11:47:54 AM	SENT
LINO H.OCHOA		LINO@GOMLAW.COM	12/6/2024 11:47:54 AM	SENT
TIMOTHY BYRD		TBYRD@MCGLINCHEY.COM	12/6/2024 11:47:54 AM	SENT
BRIAN LECOMPTE		BLECOMPTE@MCGLINCHEY.COM	12/6/2024 11:47:54 AM	SENT
NATASHA BREAUX		NATASHA.NREAUX@HAYNESBOONE.COM	12/6/2024 11:47:54 AM	SENT
MISTY CONE		MISTY@CONEPLLC.COM	12/6/2024 11:47:54 AM	SENT
TARUSH ANAND		TANAND@BROWNSIMS.COM	12/6/2024 11:47:54 AM	SENT
MATT MANNING		MMANNING@MCGLINCHEY.COM	12/6/2024 11:47:54 AM	SENT
BRYAN DAVID		BDAVID@CANTEYHANGER.COM	12/6/2024 11:47:54 AM	SENT
KENT RUTTER		KENT.RUTTER@HAYNESBOONE.COM	12/6/2024 11:47:54 AM	SENT
TARUSH ANADAD		TANAND@MCGKINCHEY.COM	12/6/2024 11:47:54 AM	SENT
KENT RYTTER		KENT.RUTTER@HAYNESBOONE.COM	12/6/2024 11:47:54 AM	SENT
NATASHA BREAUX		NATASHA.BREAUX@HAYNESBOON.COM	12/6/2024 11:47:54 AM	SENT
STEPHEN HOWELL		SHOWELL@BROWNPROCTOR.COM	12/6/2024 11:47:54 AM	SENT
Arturo JGonzalez		art@ajg-law.com	12/6/2024 11:47:54 AM	SENT
Arturo JuanGonzalez		agonzalez.law@gmail.com	12/6/2024 11:47:54 AM	SENT
Tarush R.Anand		tanand@mcglinchey.com	12/6/2024 11:47:54 AM	SENT
Arturo Gonzalez		art@ajg-law.com	12/6/2024 11:47:54 AM	SENT
Gil Perez		gpp@peralezfranzlaw.com	12/6/2024 11:47:54 AM	SENT
CHRIS FRANZ		ccf@peralezfranzlaw.com	12/6/2024 11:47:54 AM	SENT
STUART BROWN		BBROWN@JW.COM	12/6/2024 11:47:54 AM	SENT
Christina Crozier		Christina.Crozier@haynesboone.com	12/6/2024 11:47:54 AM	SENT
Debbie Scarborough		dscarborough@cunninghamswaim.com	12/6/2024 11:47:54 AM	SENT
Arturo Gonzalez		agonzales.law@gmail.com	12/6/2024 11:47:54 AM	SENT
DEBBIE HUMPHRIES DEBBIE HUMPHRIES		DHumphries@brownproctor.com	12/6/2024 11:47:54 AM	SENT
CHRIS FRANZ		ccf@peralezfranzlaw.com	12/6/2024 11:47:54 AM	SENT

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Case Contacts

CHRIS FRANZ		ccf@peralezfranzlaw.com	12/6/2024 11:47:54 AM	SENT
Alejandro Ballesteros		alejandro@ballesteroslaw.com	12/6/2024 11:47:54 AM	SENT
Alyssa Romero		alr@gflawoffices.com	12/6/2024 11:47:54 AM	SENT
MARIE HORNE		MHORNE@MCGLINCHEY.COM	12/6/2024 11:47:54 AM	SENT
STUART BROWN		BBROWN@JW.COM	12/6/2024 11:47:54 AM	SENT
Marion Reilly		service@mrtrial.com	12/6/2024 11:47:54 AM	ERROR
M MARTINEZ		mmartinez@carriganlawgroup.com	12/6/2024 11:47:54 AM	SENT
CALIN RINGE		CRINGELMAN@BROWNPROCTOR.COM	12/6/2024 11:47:54 AM	SENT
Joei Dark		jdark@mcglinchey.com	12/6/2024 11:47:54 AM	SENT
BRIAN MLeCOMPTE		blecompte@mcglinchey.com	12/6/2024 11:47:54 AM	SENT
Dana Hyatte		dhyatte@mcglinchey.com	12/6/2024 11:47:54 AM	SENT
MIKE MILLS		MKMILLS@ATLASHALL.COM	12/6/2024 11:47:54 AM	SENT
BRIAN LECOMPTE		BLECOMPTE@MCGLINCHEY.COM	12/6/2024 11:47:54 AM	SENT
TARUSH ANAND		TANAND@MCGLINCHEY.COM	12/6/2024 11:47:54 AM	SENT
CHARLES SMITH		CHSMITH@CANTEYHANGER.COM	12/6/2024 11:47:54 AM	SENT
JASON WEBSTER		FILING@THEWEBSTERLAWFIRM.COM	12/6/2024 11:47:54 AM	SENT
SHIREE SALINAS		SSALINAS@SSALINASLAW.COM	12/6/2024 11:47:54 AM	SENT
MISTY CONE		MISTY@CONEPLLC.COM	12/6/2024 11:47:54 AM	SENT
RICARDO GARCIA		RIC@GOMLAW.COM	12/6/2024 11:47:54 AM	SENT
LINO OCHOA		LINO@GOMLAW.COM	12/6/2024 11:47:54 AM	SENT
ARTURO GONZALEZ		AGONZALEZ.LAW@GMAIL.COM	12/6/2024 11:47:54 AM	SENT
ARTURO GONZALEZ		ART@AJG-LAW.COM	12/6/2024 11:47:54 AM	SENT
CHRIS FRANZ		CCF@PERALEZFRANZLAW.COM	12/6/2024 11:47:54 AM	SENT
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CHRISTINA CROZIER		CHRISTINA.CROZIER@HAYNESBOONE.COM	12/6/2024 11:47:54 AM	SENT
RICARDO GARCIA		SERVICE@GO-LAWFIRM.COM	12/6/2024 11:47:54 AM	SENT
RUSSELL SERAFIN		RSERAFIN@THEWEBSTERLAWFIRM.COM	12/6/2024 11:47:54 AM	SENT
MARIE HORNE		MHORNE@MCGLINCHEY.COM	12/6/2024 11:47:54 AM	SENT
DEBIE HUMPHRIES		DHUMPHRIES@BROWNPROCTOR.COM	12/6/2024 11:47:54 AM	SENT
Geffrey Anderson		ganderson@andersonriddle.com	12/6/2024 11:47:54 AM	SENT
ALEJANDRO BALLESTEROS		CLERK@BALLESTEROSLAW.COM	12/6/2024 11:47:54 AM	SENT
LOUIS PATINO		PATINOLAW@YAHOO.COM	12/6/2024 11:47:54 AM	SENT